

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION**

#### **JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY**

**Call to Order:** By Chairman Ray Hawk, on February 2, 2007 at 9:00 P.M., in Room 317a Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Ray Hawk, Chairman (R)  
Sen. Steven Gallus, Vice Chairman (D)  
Rep. Bill Beck (R)  
Rep. Cynthia Hiner (D)  
Sen. Trudi Schmidt (D)

**Members Excused:** Sen. Keith Bales (R)

**Members Absent:** None.

**Staff Present:** Katie Butcher, Committee Secretary  
Pat Gervais, Legislative Branch  
Pam Joehler, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing:	DOC
Executive Action:	New Decision Packet for DOLI, DOJ- DP 108, DP 110, DP 102 DP 103, DP 104, DP 105, DP 107 DP 110, \$250,000 a year for the office of restorative justice, Rates per hour increase, DP 701, DP 702, DP 703, DP 704 DP 707, DP 1201, DP 1202, DP 1206 DP 1207, DP 1212, DP 1213, DP 1208 DP 1301, DP 1303, DP 1305, DP 1306

JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC  
SAFETY

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DP 1803, DP 1810, DP 1806, DP 1807

Executive Action Continued: Motion to Fund one FTE for the  
Division of Crime Investigation for  
the purpose of working on cold  
cases, DP 1901, DP 2905, DP 2907  
DP 2906, DP 3201, DP 3202, DP 3203  
DP 3205, DP 3206, Restoring the  
portion of statewide present law  
adjustments for personal services,  
Exemption from vacancy savings,  
Elected Officials Budget Items 1-7

Department of Labor and Industry

00:00:31 Pam Joehler

EXHIBIT(jch23a01)

00:05:02 Rep. Hawk moved **TO ADD A NEW DECISION PACKAGE THAT WILL ADD FEDERAL REED ACT FUNDS TO THE UNEMPLOYMENT DIVISION IN HOUSE BILL 2. AS DESCRIBED IN THE HANDOUT, THE TOTAL AMOUNT ADDED TO HB 2 IS \$1.75 MILLION, OF WHICH \$0.75 MILLION IS FOR DEBT SERVICE PAYMENTS (OVER TWO YEARS) AND \$1.0 MILLION IS FOR A FEASIBILITY STUDY (A BIENNIAL APPROPRIATION) TO REPLACE A MAINFRAME TAX SYSTEM IN THE UNEMPLOYMENT INSURANCE DIVISION.**

Discussion:

00:05:23 Rep. Hiner

00:05:55 **Vote:** Motion carried unanimously by voice vote.

Department of Corrections

Discussion:

00:07:42 Rep. Hiner

00:08:24 Pat Gervais

00:08:58 Brent Doig, OBPP

00:09:20 Pat Gervais

00:10:01 Rep. Hiner

00:10:22 Pat Gervais

EXHIBIT(jch23a02)

00:12:26 Rep. Hiner

00:12:32 Pat Gervais

00:12:56 Rep. Hiner

00:13:10 Rhonda Shafer, Department of Corrections

00:14:06 Rep. Hiner

Department of Justice

EXECUTIVE ACTION ON DP 108

00:17:39 **Motion/Vote:** Rep. Hawk moved that **DP 108 BE ADOPTED.** Motion carried unanimously by voice vote. Sen. Bales voted aye by proxy.

**EXECUTIVE ACTION ON DP 110**

00:18:11 **Motion:** Rep. Hawk moved that **DP 110 BE ADOPTED.**

**Discussion:**

00:18:17 Sen. Schmidt  
00:18:49 Pat Gervais  
00:19:24 Sen. Schmidt  
00:19:30 Pat Gervais  
00:19:52 Sen. Schmidt  
00:19:54 Larry Fasbender, Department of Justice  
00:21:23 Sen. Schmidt  
00:21:36 Chris Tweeten, Office of the Attorney General  
00:23:31 Sen. Schmidt

00:23:47 **Vote:** Motion failed 3-3 by roll call vote with Sen. Gallus, Rep. Hiner, and Sen. Schmidt voting aye. Sen. Bales voted no by proxy.

**EXECUTIVE ACTION ON DP 102**

00:25:42 **Motion:** Sen. Gallus moved that **DP 102 BE ADOPTED.**

**Discussion:**

00:26:11 Pat Gervais  
00:27:00 Sen. Gallus  
  
00:27:30 **Vote:** Motion failed 3-3 by roll call vote with Sen. Gallus, Rep. Hiner, and Sen. Schmidt voting aye. Sen. Bales voted no by proxy.

**EXECUTIVE ACTION ON DP 103**

00:28:17 **Motion:** Sen. Gallus moved that **DP 103 BE ADOPTED.**

**Discussion:**

00:28:51 Mr. Fasbender  
00:29:36 Rep. Hiner  
00:29:56 Mr. Fasbender  
00:30:02 Sen. Schmidt  
00:30:24 Mr. Fasbender

00:30:30 **Vote:** Motion failed 3-3 by roll call vote with Sen. Gallus, Rep. Hiner, and Sen. Schmidt voting aye. Sen. Bales voted no by proxy.

**EXECUTIVE ACTION ON DP 104**

00:31:33 **Motion:** Rep. Hawk moved that **DP 104 BE ADOPTED.**

**Discussion:**

00:32:21 Sen. Schmidt

00:32:36 **Vote:** Motion carried unanimously by voice vote. Sen. Bales voted aye by proxy.

**EXECUTIVE ACTION ON DP 105**

00:33:15 **Motion:** Rep. Hawk moved that **DP 105 BE ADOPTED.**

**Discussion:**

00:33:46 Pat Gervais

00:34:09 **Vote:** Motion carried unanimously by voice vote. Sen. Bales voted aye by proxy

**EXECUTIVE ACTION ON DP 107**

00:34:36 **Motion:** Rep. Beck moved that **DP 107 BE ADOPTED.**

**Discussion:**

00:35:05 Rep. Hawk

00:35:11 Mr. Fasbender

00:37:02 **Vote:** Motion carried 4-2 by roll call vote with Rep. Hawk voting no, and Sen. Bales voted no by proxy.

**EXECUTIVE ACTION ON DP 110**

00:37:23 **Motion/Vote:** Rep. Hiner moved that **DP 110 BE ADOPTED.** Motion carried 4-2 by roll call vote with Rep. Beck and Rep. Hawk voting no. Sen. Bales voted aye by proxy.

**EXECUTIVE ACTION ON OFFICE OF RESTORATIVE JUSTICE**

00:38:53 **Motion:** Rep. Hiner moved TO PROVIDE \$250,000 PER YEAR GENERAL FUND FOR THE OFFICE OF RESTORATIVE JUSTICE. \$50,000 PER YEAR WOULD BE FOR OPERATIONS COSTS AND \$200,000 PER YEAR WOULD BE FOR GRANTS TO LOCAL AGENCIES.

**Discussion:**

00:40:33 Matthew Dale, Office of the Attorney of General  
00:41:58 Rep. Hiner  
00:42:07 Mr. Dale

00:43:53 **Vote:** Motion failed 3-3 by roll call vote with Sen. Gallus, Rep. Hiner, and Sen. Schmidt voting aye. Sen. Bales voted no by proxy

**EXECUTIVE ACTION ON RATES PER HOUR INCREASE FOR ATTORNEYS AND INVESTIGATORS**

00:44:55 **Motion:** Rep. Hiner moved that THE INCREASES BE ADOPTED.  
00:45:13 **Substitute Motion:** Rep. Hawk made a substitute motion TO CHANGE THE RATES TO \$74 AN HOUR FOR ATTORNEYS AND \$44 AN HOUR FOR INVESTIGATORS.

**Discussion:**

00:45:46 Rep. Hiner  
00:46:27 Sen. Schmidt  
00:46:55 Pat Gervais

00:47:34 Rep. Hawk withdrew his original motion.  
**Substitute Motion:** Rep. Hawk made a substitute motion TO CHANGE THE RATES TO \$79 FOR ATTORNEYS AND \$48 FOR INVESTIGATORS.

**Discussion:**

00:48:31 Sen. Schmidt  
00:49:00 **Vote:** Motion carried unanimously by voice vote. Sen. Bales voted aye by proxy.

**EXECUTIVE ACTION ON DP 701**

00:50:03 **Motion/Vote:** Sen. Gallus moved that **DP 701 BE ADOPTED.**  
Motion carried unanimously by voice vote.  
Sen. Bales voted aye by proxy.

**EXECUTIVE ACTION ON DP 702**

00:50:54 **Motion/Vote:** Sen. Gallus moved that **DP 702 BE ADOPTED.**  
Motion carried unanimously by voice vote.  
Sen. Bales voted aye by proxy.

**EXECUTIVE ACTION ON DP 703**

00:51:27 **Motion:** Sen. Gallus moved that **DP 703 BE ADOPTED.**

**Discussion:**

00:52:11 Gene Huntington, Gambling Control Division

00:52:57 **Vote:** Motion carried unanimously by voice vote.  
Sen. Bales voted aye by proxy.

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**EXECUTIVE ACTION ON DP 704**

00:53:27 **Motion/Vote:** Sen. Gallus moved that **DP 704 BE ADOPTED.**  
Motion carried unanimously by voice vote.  
Sen. Bales voted aye.

**EXECUTIVE ACTION ON DP 707**

00:54:04 **Motion/Vote:** Sen. Gallus moved that **DP 707 BE ADOPTED.**  
Motion carried unanimously by voice vote.  
Sen. Bales voted aye by proxy.

**EXECUTIVE ACTION ON DP 1201**

00:54:51 **Motion/Vote:** Rep. Hiner moved that **DP 1201 BE ADOPTED.**  
Motion carried unanimously by voice vote.  
Sen. Bales voted aye by proxy.

**EXECUTIVE ACTION ON DP 1202**

00:55:24 **Motion:** Sen. Gallus moved that **DP 1202 BE ADOPTED.**

**Discussion:**

00:55:56 Sen. Gallus  
00:56:25 Rep. Hawk  
00:56:47 Dean Roberts, Department of Justice  
00:58:55 Rep. Beck  
00:59:33 Mr. Roberts  
01:00:01 Rep Hawk  
01:00:32 Mr. Roberts  
01:00:45 Rep. Hawk  
01:00:48 Mr. Roberts  
01:01:12 Mr. Fasbender  
01:01:32 Rep. Hawk

01:01:42 **Vote:** Motion carried unanimously by voice vote.  
Sen. Bales voted aye by proxy.

**EXECUTIVE ACTION ON DP 1206**

01:02:17 **Motion:** Sen. Gallus moved that **DP 1206 BE ADOPTED.**

**Discussion:**

01:02:33 Rep. Beck  
01:02:39 Pat Gervais  
01:03:00 Rep. Beck  
01:03:06 Pat Gervais

01:03:22 **Vote:** Motion carried unanimously by voice vote.  
Sen. Bales voted aye by proxy.

**EXECUTIVE ACTION ON DP 1207**

01:03:33 **Motion/Vote:** Sen. Gallus moved that **DP 1207 BE ADOPTED.**  
Motion carried unanimously by voice vote. Sen. Bales  
voted aye by proxy.



**EXECUTIVE ACTION ON DP 1212**

01:04:13 **Motion/Vote:** Rep. Hawk moved that **DP 1212 BE ADOPTED.**  
Motion carried unanimously by voice vote.  
Sen. Bales voted aye by proxy.

**EXECUTIVE ACTION ON DP 1213**

01:04:37 **Motion/Vote:** Rep. Hawk moved that **DP 1213 BE ADOPTED.**  
Motion carried unanimously by voice vote.  
Sen. Bales voted aye by proxy.

**EXECUTIVE ACTION ON DP 1208**

01:04:57 **Motion:** Sen. Gallus moved that **DP 1208 BE ADOPTED.**

**Discussion:**

01:05:06 Rep. Beck  
01:05:18 Mr. Roberts

01:07:17 **Vote:** Motion carried unanimously by voice vote.  
Sen. Bales voted aye by proxy.

**EXECUTIVE ACTION ON DP 1301**

01:08:22 **Motion/Vote:** Rep. Hawk moved that **DP 1301 BE ADOPTED.**  
Motion carried unanimously by voice vote.  
Sen. Bales voted aye by proxy.

**EXECUTIVE ACTION ON DP 1303**

01:11:44 **Motion/Vote:** Rep. Hawk moved that **DP 1303 BE ADOPTED.**  
Motion carried unanimously by voice vote.  
Sen. Bales voted aye by proxy.

**EXECUTIVE ACTION ON DP 1305**

01:12:04 **Motion/Vote:** Rep. Hawk moved **DP 1305 BE ADOPTED.**  
Motion carried unanimously by voice vote.  
Sen. Bales voted aye by proxy.

**EXECUTIVE ACTION ON DP 1306**

01:12:39 **Motion:** Sen. Gallus moved that **DP 1306 BE ADOPTED.**

**Discussion:**

01:12:57 Sen. Gallus

01:13:10 **Vote:** Motion failed 3-3 by roll call vote with Sen. Gallus, Rep. Hiner, and Sen. Schmidt voting aye. Sen. Bales voted no by proxy.

01:14:00 Break

01:31:06 Reconvene

**EXECUTIVE ACTION ON DP 1803**

01:31:33 **Motion:** Rep. Hawk moved **DP 1803 WITH \$153,918 ONLY AND TO INCLUDE NO GENERAL FUND FUNDING.**

**Discussion:**

01:31:49 Rep. Hiner

01:32:05 Mike Batista, Division of Criminal Investigation

01:33:23 Rep. Hawk

01:33:26 Mr. Batista

01:33:42 Sen. Gallus

01:34:03 Mr. Batista

01:34:58 Sen. Schmidt

01:35:20 Mr. Batista

(Sen. Bales arrived)

01:37:03 Rep. Beck

01:37:12 Mr. Batista

01:37:36 **Vote:** Motion failed 3-3 with Sen. Bales, Rep. Beck, and Rep. Hawk voting aye.

**EXECUTIVE ACTION ON DP 1810**

01:38:26 **Motion/Vote:** Sen. Gallus moved that **DP 1810 BE ADOPTED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON DP 1806**

01:38:55 **Motion/Vote:** Sen. Gallus moved that **DP 1806 BE ADOPTED**.  
Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON DP 1807**

01:39:34 **Motion:** Rep. Hawk moved that **DP 1807 BE ADOPTED**.

**Discussion:**

01:39:57 Rep. Beck  
01:40:14 Mr. Batista

01:40:45 **Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON REP. GALLUS'S MOTION TO FUND ONE FTE**

01:41:01 Rep. Gallus moved **\$80,000 FROM THE GENERAL FUND TO  
FUND ONE FTE FOR THE DIVISION OF CRIME INVESTIGATION  
FOR AN INVESTIGATOR TO WORK ON**.

**Discussion:**

01:42:17 Mr. Batista  
01:43:36 Sen. Bales  
01:43:54 Mr. Batista  
01:44:03 Sen. Gallus  
01:45:22 Rep. Beck  
01:45:31 Mr. Batista  
01:46:33 Sen. Schmidt  
01:47:03 Mr. Batista  
01:47:50 Rep. Beck  
01:47:58 Sen. Gallus  
01:49:09 Pat Gervais  
01:49:19 Mr. Batista

01:49:31 **Vote:** Motion failed 3-3 with Sen. Gallus, Rep. Hiner,  
and Sen. Schmidt voting aye.

**EXECUTIVE ACTION ON DP 1901**

01:50:02 **Motion:** Rep. Hawk moved **TO ADOPT DP 1901 WITH THE  
CONTINGENCY LANGUAGE AND TO OMIT THE WORD "STATUTORY"**.

**Discussion:**

01:50:12 Pat Gervais

01:50:55 **Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON DP 2905**

01:51:51 **Motion/Vote:** Rep. Hawk moved that **DP 2905 BE ADOPTED.**  
Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON DP 2907**

01:52:37 **Motion/Vote:** Rep. Hawk moved that **DP 2907 BE ADOPTED.**  
Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON DP 2906**

01:53:14 **Motion/Vote:** Sen. Gallus moved that **DP 2906 BE ADOPTED.**  
Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON DP 3201**

01:53:41 **Motion/vote:** Sen. Gallus moved that **DP 3201 BE ADOPTED.**  
Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON DP 3202**

01:54:11 **Motion/Vote:** Rep. Hiner moved that **DP 3202 BE ADOPTED.**  
Motion carried unanimously by voice vote.

01:54:59 **Substitute Motion:** Sen. Gallus made a substitute motion  
**TO PASS DP 3202 CONTINGENT UPON PASSAGE OF HB 12.**  
Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON DP 3203**

01:55:20 **Motion/Vote:** Rep. Hawk moved that **DP 3203 BE ADOPTED**  
**CONTINGENT UPON HB 12.** Motion carried unanimously by  
voice vote.

**EXECUTIVE ACTION ON DP 3205**

01:56:06 **Motion:** Sen. Gallus moved that **DP 3205 BE ADOPTED.**

**Discussion:**

01:56:22 Pat Gervais

01:56:39 **Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON DP 3206**

01:56:55 **Motion/Vote:** Sen. Gallus moved that **DP 3206 BE ADOPTED.**  
Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON RESTORING THE PORTION OF THE STATEWIDE  
PRESENT LAW ADJUSTMENTS FOR PERSONAL SERVICES**

02:00:52 **Motion/Vote:** Rep. Hawk moved to **RESTORE THE PORTION OF  
THE STATEWIDE PRESENT LAW ADJUSTMENT FOR PERSONAL  
SERVICES, EXCEPT THE PORTION OF HIGHWAY PATROL SALARIES  
THAT IS STATUTORILY APPROPRIATED-AN ESTIMATED  
\$305,664 TOTAL FUNDS.** Motion carried unanimously by  
voice vote.

**EXECUTIVE ACTION ON EXEMPTION FROM VACANCY SAVINGS**

02:03:42 **Motion/Vote:** Sen. Gallus moved **EXEMPTION FROM VACANCY  
SAVINGS.** Motion carried unanimously by voice vote.  
**EXHIBIT**(jch23a03)

**EXECUTIVE ACTION ON ITEM 1 ON THE ELECTED OFFICIAL BUDGET**

**Discussion:**

02:04:23 Sen. Schmidt

02:05:09 **Motion/Vote:** Sen. Gallus moved that **ITEM 1 BE ADOPTED.**  
Motion failed 3-3 by roll call vote with Sen. Gallus,  
Rep. Hiner, and Sen. Schmidt voting aye.

**Discussion:**

02:06:30 Rep. Hawk  
02:06:38 Bill Unger, Forensic Department  
02:07:57 Sen. Gallus  
02:08:09 Mr. Unger

**EXECUTIVE ACTION ON ITEM 2 ON THE ELECTED OFFICIAL BUDGET**

02:08:41 **Motion/Vote:** Rep. Hawk moved that **ITEM 2 BE ADOPTED CONTINGENT UPON HB 12**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON ITEM 3 ON THE ELECTED OFFICIAL BUDGET**

02:09:38 **Motion/Vote:** Sen. Gallus moved that **ITEM 3 BE ADOPTED**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON ITEM 4 ON THE ELECTED OFFICIAL BUDGET**

02:10:08 **Motion/Vote:** Rep. Hawk moved that **ITEM 4 BE ADOPTED**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON ITEM 5 ON THE ELECTED OFFICIAL BUDGET**

02:10:50 **Motion:** Sen. Gallus moved that **ITEM 5 BE ADOPTED**.

**Discussion:**

02:11:16 Sen. Gallus  
02:12:29 Sen. Bales  
02:12:53 Sen. Schmidt

02:13:10 **Vote:** Motion carried 5-1 by voice vote with Rep. Hawk voting no.

**EXECUTIVE ACTION ON ITEM 6 ON THE ELECTED OFFICIAL BUDGET**

02:13:35 **Motion/Vote:** Sen. Gallus moved that **ITEM 6 BE ADOPTED**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON ITEM 7 ON THE ELECTED OFFICIAL BUDGET**

02:14:15 **Motion:** Rep. Hiner moved that **ITEM 7 BE ADOPTED.**

**Discussion:**

02:14:40 Pat Gervais  
02:15:12 Sen. Schmidt  
02:15:17 Pat Gervais  
02:15:34 Sen. Bales  
02:15:58 Pat Gervais  
02:16:24 Rep. Beck  
02:16:36 Pat Gervais

02:17:27 **Vote:** Motion carried 5-1 by voice vote with Rep. Hawk  
voting no.

**Discussion:**

02:18:03 Pat Gervais  
02:18:24 Mr. Fasbender  
02:21:01 Rep. Beck  
02:21:10 Sen. Schmidt  
02:21:22 Mr. Fasbender  
02:23:23 Rep. Hawk  
02:23:31 Mr. Fasbender  
02:25:43 Sen. Schmidt  
02:25:54 Mr. Fasbender  
02:26:14 Rep. Hawk  
02:27:12 Sen. Schmidt  
02:27:25 Mr. Fasbender  
02:28:29 Pat Gervais  
02:28:39 Rep. Beck  
02:28:56 Sen. Schmidt

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**ADJOURNMENT**

02:29:33 Adjournment

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REP. RAY HAWK, Chairman

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KATIE BUTCHER, Secretary

RH/kb

Additional Exhibits:

**EXHIBIT ([jch23aad.pdf](#))**